

DATE: 5-14-04BY: DNBUNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

CRIMINAL NO. 04-10115-RCL

1. SPENCER GRAY, )

2. KARL LAWRENCE PRESCOTT,  
and )3. KEVIN VICKERS,  
a/k/a "KELVIN VICKERS," )

Defendants. )

PROTECTIVE ORDER

BOWLER, Chief U.S. Magistrate Judge:

WHEREAS, the government has indicated that, as part of automatic discovery in the above-captioned matter, it will make videotape exhibits, along with other tangible items of evidence, available for viewing by defense counsel at a mutually convenient time at the U.S. Attorney's Office;

WHEREAS, one or two undercover police officers appear on these videotape exhibits in connection with controlled purchases of crack cocaine charged in the Indictment in the above-captioned matter;

WHEREAS, these undercover officers will continue to participate in criminal investigations in an undercover capacity and their physical safety depends, in large measure, on not being recognized as police officers by the criminal suspects with whom they interact;

WHEREAS, the government is concerned that the excessive

copying or dissemination of the aforesaid videotape exhibits will unnecessarily jeopardize the physical safety of the undercover officer(s) depicted therein;

WHEREAS, the government is prepared to make it possible for defense counsel in the above-captioned matter to obtain and retain a copy of one or more videotape exhibits, provided a protective order is issued to limit the dissemination of any videotape copies retained by defense counsel; and

WHEREAS, the government has filed a motion seeking the issuance of such a protective order and, after giving the defendants an opportunity to be heard, the Court finds the issuance of such an order desirable, if not necessary, to promote the safety of the aforesaid undercover police officers;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The government shall make any videotape exhibits in the above-captioned matter available for viewing by defense counsel at the U.S. Attorney's Office at a mutually convenient time.

2. Any defense attorney wishing to obtain and retain a copy of a particular videotape exhibit may request such a copy from the U.S. Attorney's Office or a video reproduction facility designated by the U.S. Attorney's Office. Any defense counsel or successor defense counsel availing him/herself of the opportunity to obtain and retain a copy of one or more videotape exhibits shall be deemed to have agreed to abide by the conditions of this protective order.

3. Any defense attorney who wishes to obtain and maintain a copy of any particular videotape exhibit shall order and obtain only a single copy of any such videotape exhibit; shall be responsible for retaining that copy in his/her custody, control and possession; and shall not permit a duplicate of that copy to be made without further order of this Court and advance notice to the government.

4. Any defense attorney who has obtained a copy of any particular videotape exhibit shall not allow that copy to be viewed by anyone other than his/her client, someone assisting or working with the defense attorney in connection with this matter, or an attorney for another defendant in this matter.

SO ORDERED

Marianne B. Bowler USMJ

MARIANNE B. BOWLER

CHIEF UNITED STATES MAGISTRATE JUDGE

Date: June 1, , 2004